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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,141	11/15/2002	Kou Hasegawa	217772US0PCT	8698

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EXAMINER

ROSE, ROBERT A

ART UNIT PAPER NUMBER

3723

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,141

Applicant(s)

HASEGAWA ET AL.

Examiner

Robert Rose

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 16-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-13, 15 and 20-27 is/are rejected.
- 7) ☒ Claim(s) 7 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>see item 6</u> . | 6) <input checked="" type="checkbox"/> Other: <u>1/28/02, 3/15/04</u> . |

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DETAILED ACTION

1. Receipt is acknowledged of Applicant's Prior Art Statements, filed January 28, 2002, and March 15, 2004, respectively.
2. Applicant's election with traverse of Group I in the reply filed on November 4, 2004 is acknowledged. The traversal is on the ground(s) that the inventions have not been shown to lack unity of invention. This is not found persuasive because the inventions have been shown to have different special technical features which place the inventions into separate and diverse categories. The special technical feature of group I is the particular structure and composition of a polishing body and its use as a polishing pad for polishing. The special technical feature of Group II is directed a particular series of steps for forming a polishing body. The special technical features of Groups I and II are different, thus unity of invention is lacking.

The requirement is still deemed proper and is therefore made FINAL.

3. Claims 16-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on November 4, 2004.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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5. Claims 1-6, 8-13, 15, and 20-27 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Kuramochi et al(US 6361403). Kuramochi et al('403) discloses a polishing body for polishing semiconductors comprising all of the subject matter set forth in Applicant's claims above. Note in particular, example 1 at column 11, lines 6-18 which discloses spray-drying of an aqueous slurry, and molding of the dried residue powder. With regard to independent claims 9, and 12 reciting a cross-linkable polymer, it is disclosed at column 4, lines 47-50 that various resins may be used as the matrix material. Crosslinking of the polymer during curing would be an inherent result of the curing process.

6. Claims 1-6, 8-13, 15, and 20-27 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Kuramochi et al(US 6077581). Kuramochi et al('581) discloses a polishing body for polishing semiconductors comprising all of the subject matter set forth in Applicant's claims above. Note in particular, example 4 at column 13, lines 15-41 wherein spray-drying of an aqueous slurry, and molding of the dried residue powder is disclosed. With regard to independent claims 9, and 12 reciting a cross-linkable polymer, it is disclosed that an acrylic resin binder may be used as the matrix material. Crosslinking of the polymer during curing would be an inherent result of the curing process.

7. Claims 7, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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8. Any inquiry concerning this communication should be directed to Robert Rose at telephone number (571) 272-4494.

Robert Rose
Primary Examiner
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A handwritten signature in black ink, appearing to read 'Robert Rose', is positioned below the printed name and title.

Rr

January 19, 2005.